

Government of the District of Columbia
ZONING COMMISSION



BZA Application No. 13508, of Hamilton Robinson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) and the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) for a proposed addition to an existing dwelling which is a non-conforming structure in an R-1-B District at the premises 84 Kalorama Circle, N. W., (Square 2523, Lot 802).

HEARING DATE: June 24, 1981

DECISION DATES: June 24, and July 15, 1981 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at 84 Kalorama Circle in an R-1-B District.

2. The subject property is pie-shaped, having a curved frontage of 117.81 feet, and side lot lines of 81.18 and 86.18 feet each. The side lot lines intersect at the rear.

3. The subject property is improved with a three story detached single family dwelling.

4. The existing lot is non-conforming as to lot area, having only 4581.66 square feet. The normal minimum lot area for an R-1-B District is 5,000 square feet.

5. The existing dwelling is non-conforming as to both rear and side yards. The existing side yards are one and five feet wide, where eight feet is the normal minimum requirement. The existing rear yard is also less than the twenty-five feet the Regulations require.

6. The applicant proposes to construct a one story rear addition consisting of a breakfast room. As originally proposed, the addition would occupy 160.61 square feet. As the existing dwelling occupies 1683.72 square feet, the total lot occupancy would be 1844.33 square feet. This would exceed the maximum allowable building area of 1832.66 square feet by 11.67 square feet.

7. The addition would also increase the degree of non-conformity of the rear yard by a small amount, reducing the

rear yard to an average depth of 14.66 feet. This would require a variance of 10.34 feet.

8. After the Board had granted the application, but prior to the entry of an order, the applicant requested the Board to reopen the record and consider revised plans for the addition. The revised plans reduce the size of the addition from approximately 160 square feet to 128 square feet. The lot occupy variance is thus no longer necessary. The Board did reopen the record and admit the revised plans.

9. The addition as now proposed would be one story in height, and would have a curved facade facing the rear corner of the property. The height was lowered from approximately 14.5 feet to twelve feet.

10. The subject site is affected by an extraordinary or exceptional situation due to the unusual shape of the lot and the fact that there is an existing building on the lot which is a non-conforming structure.

11. The fact that there is an existing building on the lot which is non-conforming as to rear yard makes it impossible to construct the proposed addition without the rear yard variance.

12. Due to the unusual shape of the lot and the positioning of the existing building, there is no alternative location for the addition.

13. The proposed addition is small in size and will not adversely affect light and air or adjoining properties.

14. Advisory Neighborhood Commission 1D, by letter dated June 22, 1981, supported the application.

15. The Sheridan Kalorama Neighborhood Council, by letter dated June 1, 1981, requested the Board to grant the application.

16. There were letters of support on file from neighboring property owners.

17. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the requested variance

is an area variance, the granting of which requires the showing of a practical difficulty inherent in the property itself, which creates a practical difficulty for the owner in developing the property in strict compliance with the Zoning Regulations. The Board concludes that the irregular shape of the lot and the existing non-conforming structure create such difficulties. The Board further is of the opinion that the requested variances can be granted without adverse effect on the surrounding neighborhood and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Regulations. The proposed addition will be in harmony with the existing residence as well as other houses in the neighborhood. Accordingly, it is therefore hereby ORDERED that the rear yard variance from Sub-section 3304.1 and Paragraph 7107.22 is granted, subject to the addition being constructed in accordance with the plans marked as Exhibit No. 23 of the record.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Lindsley Williams to grant, Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 SEP 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.